



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ROY L. McCOWN,

Plaintiff,

-against-

MICHAEL J. ASTRUE, Commissioner
of the Social Security
Administration,

Defendant.

-----X
DEBORAH A. BATTS, United States District Judge.

06 Civ. 3981 (DAB)
ORDER

This matter is before the Court upon the March 31, 2009 Report and Recommendation ("Report") of United States Magistrate Judge Kevin Nathaniel Fox. The Report recommended that Plaintiff Counsel's application for attorney fees be granted. According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). No objections to the Report were received.¹

¹ The docket sheet reflects a letter by Susan Branagan dated December 22, 2008, that is docketed after the Report and Recommendation. However, this letter plainly reflects events prior to Judge Fox's Report and is not an objection. (06 Civ. 3981, Dkt. 22.)

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

The Report and Recommendation of United States Magistrate Judge Fox, dated March 31, 2009, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety.

(1) Christopher James Bowes' application for attorney's fees, pursuant to 42 U.S.C. § 405(g), Docket Entry No. 17, is GRANTED in the amount of \$10,600 and

(2) Christopher James Bowes' letter-request that he be granted permission to "refile" his motion for attorney's fees is DENIED, as moot.

SO ORDERED.

Dated: New York, New York

May 21, 2009

Deborah A. Batts

Deborah A. Batts
United States District Judge